

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

Paso Harrison, an individual,

Plaintiff

v.

C.R. Bard, Inc., a corporation, and Bard  
Peripheral Vascular, Inc., an Arizona  
Corporation

Defendants

No. 2:15-MD-02641-DGC

Civil Action No. 2:17-cv-01485-PHX-DGC

**NOTICE OF FILING AMENDED  
COMPLAINT**

Pursuant to Local Rule of Civil Procedure 15.1(b), Plaintiff Paso Harrison respectfully submits this Notice of Filing First Amended Complaint. Attached as Exhibit A is a copy of the amended complaint that indicates in what respect it differs from the original complaint.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of May 2017.

/s/ Thomas T. Merrigan  
Attorney for Plaintiff(s)

Thomas T. Merrigan, BBO # 343480  
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SWEENEY MERRIGAN LAW  
268 Summer Street, LL  
Boston, MA 02210  
617 391 9001 (telephone)  
617 357 9001 (facsimile)

I hereby certify that on this 19th day of May, 2017, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Thomas T. Merrigan

# **EXHIBIT A**

FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

No. 2:17-cv-01485-PHX-DGC

**FIRST AMENDED MASTER**  
**SHORT FORM COMPLAINT**  
**FOR DAMAGES FOR INDIVIDUAL**  
**CLAIMS AND DEMAND FOR JURY**

Plaintiff(s) named below, for their Complaint against the Defendants named below,  
incorporate the Master Complaint in MDL No. 2641 by reference (Document 364). Plaintiff(s)  
further show the court as follows:

1. Plaintiff/Deceased Party:

Paso Harrison.

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium  
claim:

Not applicable.

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Not applicable.

4. Plaintiff/s/Deceased Party's state(s) [if more than one Plaintiff] of residence at the  
time of implant:

California.

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

California.

6. Plaintiff's current states [if more than one Plaintiff] of residence:

California.

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court, Eastern District of California

8. Defendants (Check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

- a. Other allegations of jurisdiction and value not expressed in Master Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Defendants' Inferior Vena Cava Filter(S) about which Plaintiff(s) is making a claim:

(Check applicable Inferior Vena Cava Filters):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2® X) Vena Cava Filter

- ☐ G2® X Vena Cava Filter
  - ☐ Eclipse® Vena Cava Filter
  - X Meridian® Vena Cava Filter
  - ☐ Denali® Vena Cava Filter
  - ☐ Other:
- 

11. Date of Implantation as to each product:

August 22, 2012~~October 10, 2013~~

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12. Counts in the Master complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X Count III: Strict Products Liability – Design Defect
- X Count IV: Negligence - Design
- X Count V: Negligence – Manufacture
- X Count VI: Negligence – Failure to Recall/Retrofit
- X Count VII: Negligence – Failure to Warn
- X Count VIII: Negligent Misrepresentation
- X Count IX: Negligence *Per Se*
- X Count X: Breach of Express Warranty
- X Count XI: Breach of Implied Warranty
- X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable California Law Prohibiting  
Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

X Punitive Damages

☐ Other(s): N/A

☐ Other: N/A

13. Jury Trial demanded for all issues so triable?

X Yes

☐ No

RESPECTFULLY SUBMITTED this 19th~~16<sup>th</sup>~~ day of May 2017.

/s/ Thomas T. Merrigan  
Attorney for Plaintiff(s)

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/s/ Thomas T. Merrigan